

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>MCKINLEY MARSHALL, JR.,</b>	)	CASE NO. 1:19CV2080
	)	
<b>Plaintiff,</b>	)	<b>JUDGE CHRISTOPHER A. BOYKO</b>
	)	
<b>vs.</b>	)	
	)	
<b>MICHAEL CARDELI,</b>	)	<b><u>ORDER</u></b>
	)	
<b>Defendant.</b>	)	

**CHRISTOPHER A. BOYKO, J:**

On September 11, 2019, Plaintiff filed a Complaint against Defendant alleging that East Cleveland police detectives assaulted Plaintiff during his arrest; denied Plaintiff medical attention and phone calls; removed personal items of Plaintiffs from his room; and illegally moved Plaintiff's vehicle. (Doc. 1). On January 8, 2020, the Court referred this matter to Magistrate Judge David A. Ruiz for pretrial supervision pursuant to Local Rule 72.1. On July 1, 2020, the Magistrate Judge recommended that the Court dismiss the action because of Plaintiff's failure to prosecute. (Doc. 22). Plaintiff has not filed an objection.

Federal Rule of Civil Procedure 72 provides that objections to a report and recommendation must be filed within fourteen days after service. FED. R. CIV. P. 72(b). Plaintiff has failed to timely file any such objections. Moreover, there is no indication that Plaintiff did

not receive the Magistrate Judge's Report and Recommendation. Therefore, the Court must assume that Plaintiff is satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be duplicative and an inefficient use of the Court's limited resources.

*Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd* 474 U.S. 140 (1985); *Howard v. Sec'y of Health & Human Serv.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Therefore, Magistrate Judge Ruiz's Report and Recommendation (Doc. 22) is **ADOPTED** and the Complaint (Doc. 1) is **DISMISSED** due to Plaintiff's failure to prosecute. Due to the dismissal, Defendant's Motion to Dismiss (Doc. 10) is **DENIED AS MOOT**.

**IT IS SO ORDERED.**

s/ Christopher A. Boyko  
**CHRISTOPHER A. BOYKO**  
**Senior United States District Judge**

**Dated: August 14, 2020**